

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Unknown Parties, et al.,

Plaintiffs,

v.

No. CV-15-00250-TUC-DCB

Chad Wolf, et al.,

Defendants.

DECLARATION OF MIGUEL LEON

I, Miguel Leon, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my official duties, hereby declare as follows relating to the above-titled matter.

1. I am an Assistant Chief Patrol Agent (ACPA) for the United States Border Patrol (USBP), Tucson Sector, located in Tucson, Arizona. Tucson Sector includes the following holding and processing areas: the Tucson Coordination Center (TCC), Ajo Station, Brian A. Terry Station, Casa Grande Station, Douglas Station, Nogales Station, Sonoita Station, and Willcox Station. I have been employed in this capacity since February 10, 2020. Prior to my current appointment, I was the Patrol Agent in Charge of the Tucson Sector Intelligence Unit from August 20, 2017 to February 9, 2020. I began working for USBP in August 7, 1996, and have worked in San Diego, California; New Orleans, Louisiana; Washington, DC; and Tucson, Arizona. While assigned to Tucson Sector I have been assigned to the Nogales Station, the Sonoita Station, and the Sector

Intelligence Unit. I currently have oversight of the Prosecution Program, the Asset Forfeiture Program, Seized Property, and Processing and Transportation.

2. I am familiar with the above-referenced case. I have reviewed the Preliminary Injunction (dated November 18, 2016), Findings of Fact and Conclusions of Law (dated February 19, 2020), and Permanent Injunction (dated April 17, 2020). I am aware that the Permanent Injunction requires that Tucson Sector provide a status report to the Court every 30 days until full compliance with the Permanent Injunction is attained.
3. In the past 30 days, the Tucson Sector has held approximately 12 detainees longer than 48 hours. That is a significant difference compared to recent months. In large part, this change is due to the COVID-19 pandemic and the exercise of authority under Title 42 to immediately expel individuals who cross the border into the United States from Mexico. More information and statistics are available at the following CBP website:
<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.

Bed and Blanket for Sleeping

4. The Tucson Sector is in the process of renovating the TCC facility to accommodate a limited number of beds meeting detention-industry standards and cloth blankets that are capable of being washed and reused, as outlined by the Permanent Injunction. The renovation, while subject to many factors, is tentatively scheduled to be completed in mid-July 2020. Currently, the TCC is using elevated Stack-Bed platform beds for the

very few individuals who are processing complete and in custody longer than 48 hours. Until the renovation is complete, the TCC will continue the use of Stack-Bed elevated platform beds in conjunction with a detention mattress at 48 hours. The TCC is also in the process of obtaining contract services to launder cloth blankets. Until a contract is in place for cloth blankets and laundry services, the Tucson Sector continues to use the mylar blankets.

Showers

5. Showers have been provided to each detainee in custody for 48 hours since April 17, 2020, the date of the Permanent Injunction. All stations in the Tucson Sector now have shower capabilities accessible to detainees with the exception of Sonoita Station and Casa Grande Station. Currently, Sonoita Station can transport detainees for showers at Nogales Station, and Casa Grande Station transports detainees to TCC.

Adequate Food

6. The Tucson Sector is in the process of obtaining contract services for a dietitian to advise on the dietary requirements constituting adequate food for maintaining detainee health. Currently, when detainees are in custody for more than 48 hours at the TCC, additional food items are offered, such as raisins, fruit cups, applesauce, brown rice, vegan, and gluten free options.

Potable Water

7. The upcoming TCC renovation includes plans to add standalone drinking fountains in the cells where detainees in custody over 48 hours will be held. This will be just one more

source of potable water for detainees held in these rooms. The water will come from a filtered source and provided by Tucson Water which will be consistent with their water purity standards and is the same water that is available to CBP employees who work on-site. All other hold rooms either have the current ‘bubbler system’ with signage in both Spanish and English indicating that they provide potable water, or thermal 20-gallon water jugs containing potable water from a filtered source, and clean, new, disposable paper cups. In the majority of the hold rooms, Tucson Sector provides both the bubbler system and the water jugs with paper cups.

Medical Assessment by a Medical Professional

8. The Tucson Sector currently has at least one Medical Professional, as defined in the Permanent Injunction, on site 24/7 at the TCC and the following stations: Nogales, Ajo, Casa Grande, and Willcox.

Mats in Toilet Areas

9. The TCC has placed signs prohibiting mats and sleeping in the toilet areas in both Spanish and English. The Tucson Sector is in the process of placing signs at all Tucson Sector stations and detention areas prohibiting mats and sleeping in the toilet areas.

Overcrowding

10. The Tucson Sector has not had the amount of traffic since April 17, 2020 that would have resulted in exceeding hold room capacity limits. The Title 42 Order for public health has

resulted in fewer people being detained, as the vast majority of encounters result in immediate expulsions.

Monitoring and E3DM Documentation

11. The Tucson Sector is monitoring detainees who reach 48 hours in custody through a Time In Custody (TIC) counter in e3DM. Extra amenities are noted in each detainee's Subject Activity Log in e3DM. Detainees in custody longer than 48 hours are identified through an e3DM Roll-Call of current detainees. E3 developers are in the process of adding built in stop-reminders when detainees are approaching 48 hours in custody. Currently, and since April 17, 2020, it has been the practice at the Tucson Sector that when detainees reach 48 hours in custody, showers are made available and detainees are given the opportunity to use the elevated Stack-Bed platform bed, as well as wider dietary offerings.
12. The Tucson Sector has continued following the requirements of the preliminary injunction, including providing a mat and blanket and paper shower within the first 12 hours in custody. Medical questionnaires are filled out for each individual by an agent. These actions are recorded in e3DM.
13. The TCC is currently coordinating with the Tucson Sector Policy & Compliance Division on revising their quality control and compliance inspections to reflect the monitoring requirements outlined in the Permanent Injunction.

14. The Permanent Injunction has been shared with and discussed with the Tucson Sector Command Staff. As soon as the Tucson Sector Policy & Compliance Division finalizes the standardized posting location and Read & Sign requirements, copies of the Permanent Injunction will be made accessible to all agents.
15. The TCC is currently coordinating with the Tucson Sector Policy & Compliance Division on a standardized Read & Sign process as well as a standardized location for posting the Permanent & Preliminary Injunctions for all Tucson Sector stations, detention areas, and at the TCC. The Tucson Sector has decided that all agents within the sector will be required to read the Permanent Injunction. Agents will also sign a certification to show that they have read it. The Tucson Sector Policy & Compliance Division plans to ensure that all agents carrying out custodial duties have completed this verification as part of its quarterly compliance evaluation process.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 14th day of May 2020, in Tucson, Arizona.



Miguel Leon
Assistant Chief Patrol Agent
Tucson Sector Border Patrol